



ATTORNEY'S DOCKET NO: P0762.70000US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Allan Rush et al.
Serial No: 10/780,112
Confirmation No: 6498
Filed: February 17, 2004
For: ENERGY MANAGEMENT SYSTEM

Examiner: Unknown
Art Unit: 3618

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 20th day of May, 2004.

Christine Doyle

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith are the following documents:

1. Information Disclosure Statement
2. PTO Form 1449;
3. Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is required. If the fee is insufficient, please charge the deficiency to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Neil P. Ferraro, Reg. No. 39,188
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
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Telephone: (617) 720-3500

Docket No. P0762.70000US01
Date: May 20, 2004
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DOCKET NO: P0762.70000US01

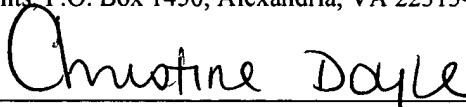
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Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

1. The Applicant would like to bring to the Examiner's attention the International Search Report from corresponding International Application No. PCT/AU99/00740, which was filed September 3, 1999.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

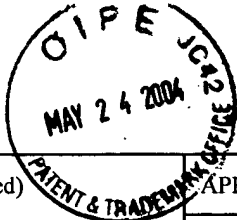
Respectfully submitted,
Allan Rush et al., *Applicant*

By: 
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Docket No. P0762.70000US01

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XNDDX



FORM PTO-1449/A and B (Modified)

APPLICATION NO.: 10/780,112

ATTY. DOCKET NO.: P0762.70000US01

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

FILING DATE: February 17, 2004

CONFIRMATION NO.: 6498

APPLICANT: Allan Rush et al.

GROUP ART UNIT: 3618

EXAMINER: Unknown

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		*3,490,816		Lyman	1/1970
		*3,910,043		Clerk	10/1975
		*4,171,029		Beale	10/1979
		*4,278,403		Shafer	7/1981
		*4,351,409		Malik	9/1982
		*4,441,573		Carman et al.	4/1984
		*4,986,383		Evans	1/1991
		*5,024,489		Tanaka et al.	06/1991
		*5,050,936		Tanaka et al.	09/1991
		*5,086,865		Tanaka et al.	02/1992
		*5,088,041		Tanaka et al.	02/1992
		*5,607,027		Puett	3/1997
		*5,647,318		Feucht et al.	07/1997
		*5,708,312		Rosen et al.	1/1998
		*5,799,562		Weinberg	9/1998
		*6,170,587		Bullock	1/2001

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		*EP	0047643	A1		17.03.82	
		*EP	0863381	A2		09.09.98	
		*DE	19531766	A1		06.03.97	
		*WO	96/10806			11.04.96	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		*International Search Report from corresponding International Application No. PCT/AU99/00740, filed September 3, 1999		

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/798,144 , filed March 2, 2001 , and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]